

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FILED

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

MR. HOWARD YOUNG
Plaintiff,

V

TRANS UNION; et al.,
Defendants.

D.C. No. CV-06-00114-JF

Plaintiff's Motion for
AN EVIDENTIARY HEARING
AND APPOINTMENT OF COUNSEL

TO THE HONORABLE JEREMY FOGEL;

Plaintiff, hereby, moves this Court, AS SOON AS CAN BE HEARD, with
this Motion for AN EVIDENTIARY HEARING.

Plaintiff does request that the evidentiary hearing be held ON
OR BEFORE September 19, 2008

Plaintiff also requests that at the time of the evidentiary hearing that
this Court also hear the Plaintiff's Amended Motion for Summary Judgment.

Plaintiff filed with this Court A Petition for Writ of HABEAS CORPUS BY A
PERSON IN STATE CUSTODY ON July 10, 2008 upon reassignment of the
plaintiff's original complaint and amended complaint that was first filed
in the San Francisco Division, Dismissed without Prejudice, then REVERSED
AND Remanded by the Ninth Circuit Court of Appeals. (SEE EXHIBIT A)

Plaintiff has requested that this court exercise pendent and/or ancillary jurisdiction over all issues that have sprung forth from the violations of the Fair Credit Reporting Act 15 U.S.C. § 1681 et seq, the Right To Financial Privacy Act 12 U.S.C. § 3401 et seq and/or the California Right To Financial Privacy Act § 7460 et seq, along with the violations of the U.S. Constitution, and are entertained, particularly since this Court has Original Jurisdiction pursuant to § 1681p and § 3416.
(SEE EXHIBIT A)

Plaintiff raised identical issues in the Habeas Corpus that are already currently pending in the Original and Amended Complaints, as well as that are included in the Plaintiff's Amended Motion for Summary Judgment, particularly based on the out-of-state search warrants to TransUnion in Chicago Illinois, Experian in Allen Texas and Equifax in Atlanta Georgia. (SEE EXHIBIT B)

Plaintiff also raised the issues of violations of the U.S. Constitution, including, but not limited to; Due Process violations, Equal Protection, illegal search and seizure, Federal Question Jurisdiction, statute of limitation violations and ineffective assistance of counsel, particularly due to plaintiff's successful completion of the Santa Clara County Regimented Correction Program (R.C.P.I) where plaintiff has a state created liberty interest in being released upon successful completion of the RCP I as other participants. (SEE EXHIBIT C)

Clearly, the out-of-state/out-of-jurisdiction search warrants to Trans Union, Experian and Equifax should be deemed invalid and/or void on their face, suppressed and ruled in violation of the 4th Amendment. (See Exhibit B - "... execution of search warrant beyond county officer's jurisdiction violated the Fourth Amendment.... "Sychem Band of Indians v. Ponce (S.D. Cal 1992) 788 F.Supp 1498)

Plaintiff, lastly, requests that this Court Appoint Counsel to represent the plaintiff particularly due to the complexities of plaintiff's complaint and Habeas Corpus, and particularly as the petitioner in the Habeas Corpus.

Plaintiff has made attempts to acquire representation and thereby requests that alternatively this Court refer plaintiff's case to the Court's available Pro Bono Project(s), particularly the Volunteer Legal Services Program, whom have responded that they would consider accepting my case upon this Court's referral. (SEE EXHIBIT D)

Plaintiff, additionally, notes that plaintiff previously, in the Plaintiff's Amended Motion for Summary Judgment, that when contradicting violations of the RPPA § 3401 et seq and/or § 7460 et seq by F.B.I/REACT Alex BOUJA, plaintiff mistakenly referred to the VISA search warrant and affidavit when, in fact, the Airline Reporting Corporation, Cendant Car Rental Group (Avis) and Hertz Affidavits clearly state "Detective BOUJA of the REACT Task Force learned from VISA that Young has..." (SEE EXHIBIT E)

Wherefore, plaintiff prays that this Court grant plaintiff an Evidentiary Hearing, Appointment of Counsel and/or Referral to Pro Bono Project(s) particularly the Volunteer Legal Services Program, and grant any and all relief which is just and proper, including but not limited to; Summary Judgment, suppression of all search warrants and plaintiff's immediate release.

Dated: July 28, 2008


SIGNATURE OF Plaintiff IN PRO SE

EXHIBIT

A

UNITED STATES DISTRICT COURT
Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102

www.cand.uscourts.gov

General Court Number
415.522.2000

Richard W. Wieking
Clerk

May 7, 2008

CASE NUMBER: CV 06-00114 MJJ
CASE TITLE: HOWARD YOUNG-v-TRANS UNION

REASSIGNMENT ORDER

GOOD CAUSE APPEARING THEREFOR,

IT IS ORDERED that this case is reassigned to the SAN JOSE division.

Honorable JEREMY FOGEL for all further proceedings.

Counsel are instructed that all future filings shall bear the initials **JF** immediately after the case number.

ALL MATTERS PRESENTLY SCHEDULED FOR HEARING ARE VACATED AND SHOULD BE RENOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THE CASE HAS BEEN REASSIGNED.

Date: 5/7/08

FOR THE EXECUTIVE COMMITTEE:

Richard W. Wieking
Clerk

NEW CASE FILE CLERK:

Copies to: Courtroom Deputies
Log Book Noted

Special Projects
Entered in Computer 5/7/08 MAB

CASE SYSTEMS ADMINISTRATOR:
Copies to: All Counsel

Transferor CSA

UNITED STATES DISTRICT COURT
Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102

www.cand.uscourts.gov

Richard W. Wicking
Clerk

General Court Number
415.522.2000

May 6, 2008

CASE NUMBER: CV 06-00114 MJJ
CASE TITLE: HOWARD YOUNG-v- TRANS UNION
DATE MANDATE FILED: 5/2/08

TO COUNSEL OF RECORD:

The mandate of the United States Court of Appeals for the Ninth Circuit has been filed in the above captioned case.

Sincerely,

RICHARD W. WIEKING, Clerk


by: (Sheila Rash)
Case Systems Administrator

Distribution: CIVIL	-	Counsel of Record
CRIMINAL	-	Counsel of Record
		U.S. Marshal (Copy of Mandate)
		U.S. Probation Office

NDC App-16

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United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 04/30/2008 at 2:17:06 PM PDT and filed on 04/30/2008

Case Name: Young v. Trans Union, et al

Case Number: 06-16051

Document(s): Document(s)

Docket Text:

MANDATE ISSUED.(EL, SRT and MSB)

The following document(s) are associated with this transaction:

Document Description: Mandate Letter

Original Filename: /opt/ACECF/live/forms/theresab_0616051_6517951_MandateForm_108.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=04/30/2008] [FileNumber=6517951-0]

[2a6761dc94aed0c88200ac6d0bdb0d3d426abc954128b53b8a037fff282216aa2a56aa658f817650d0cb3f7]

Recipients:

- USDC, San Francisco
- Young, Howard

Notice will be mailed to:

USDC, San Francisco
Northern District of California (San Francisco)
P.O. Box 36060
San Francisco, CA 94102-0000

Young, Howard
COSP - 3A CORCORAN STATE PRISON
Level 3A Facility
P.O. Box 3461
Corcoran, CA 93212-3461

The following information is for the use of court personnel:

DOCKET ENTRY ID: 6517951

RELIEF(S) DOCKETED:

DOCKET PART(S) ADDED: 5602794

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 30 2008

MOLLY C. DWYER, CLERK OF COURT
U.S. COURT OF APPEALS

HOWARD YOUNG,

Plaintiff - Appellant

v.

TRANS UNION; EXPERIAN;
EQUIFAX; VISA USA,

Defendants - Appellees

No. 06-16051

D.C. No. CV-06-00114-MJ

MANDATE

The judgment of this Court, entered 12/10/2007, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

Molly C. Dwyer
Clerk of Court

By: Theresa Benitez
Deputy Clerk

FILED

NOT FOR PUBLICATION

DEC 10 2007

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

HOWARD YOUNG,

Plaintiff - Appellant,

v.

TRANS UNION; et al.,

Defendants - Appellees.

No. 06-16051

D.C. No. CV-06-00114-MJJ

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Martin J. Jenkins, District Judge, Presiding

Submitted July 9, 2007**

Before: LEAVY, THOMAS, and BERZON, Circuit Judges.

Howard Young appeals pro se from the district court's judgment dismissing his action against numerous defendants arising out of his ongoing criminal prosecution in California state court. We review de novo a dismissal pursuant to

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

28 U.S.C. § 1915. *Ramirez v. Galaza*, 334 F.3d 850, 853-54 (9th Cir. 2003). This Court may raise the issue of *Younger* abstention at any point during the appellate process. *H.C. ex rel. Gordon v. Koppel*, 203 F.3d 610, 613 (9th Cir. 2000). We vacate the district court's judgment and remand with instructions to abstain from exercising jurisdiction over the action for damages and to stay the action until the state criminal proceeding has been completed.

The district court improperly treated Young's Fair Credit Reporting Act and state and federal Right to Financial Privacy Act claims as brought under 42 U.S.C. § 1983 and then dismissed them as barred under *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994), because Young's complaint did not purport to allege those causes of action under section 1983. *See Bogovich v. Sandoval*, 189 F.3d 999, 1001 (9th Cir. 1999) ("courts should not undertake to infer in one cause of action when a complaint clearly states a claim under a different cause of action.").

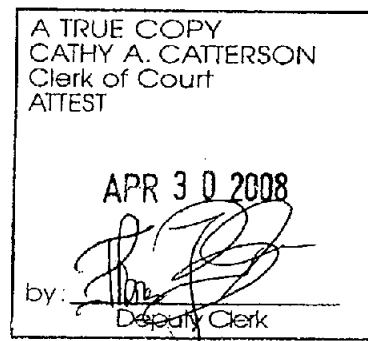
In light of the ongoing state court criminal proceedings, the district court was required under *Younger v. Harris*, 401 U.S. 37 (1971), to abstain from exercising jurisdiction over Young's statutory claims for money damages and to stay the action until the state court proceeding was completed. *See Gilbertson v. Albright*, 381 F.3d 965, 981 (9th Cir. 2004) (en banc) ("when damages are sought and *Younger* principles apply, it makes sense for the federal court to refrain from

exercising jurisdiction temporarily by staying its hand until such time as the state proceeding is no longer pending.”).

Accordingly, we vacate the district court’s judgment and remand for the limited purpose of allowing the district court to enter an order staying Young’s action for damages until the state proceeding has been completed.

Appellant shall bear the costs on appeal.

VACATED and REMANDED.



UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Mr. Howard Young
Appellant/Petitioner

CASE NO.

vs.

06-16051

TRANSUnion et al
Appellee/Respondent

APPELLANT'S OR PETITIONER'S INFORMAL BRIEF

1. Jurisdiction

a. Timeliness of Appeal or Petition:

- (i) Date of entry of judgment or order of district court: 5-25-2006
- (ii) Date of service of any motion made after judgment (other than for fees and costs): _____
- (iii) Date of entry of order deciding motion _____
- (iv) Date notice of appeal or petition filed 6-2-2006
- (v) For prisoners, date you gave notice of appeal to prison authorities _____

b. IF POSSIBLE, PLEASE ATTACH ONE COPY OF EACH OF THE FOLLOWING:

- 1. The order from which you are appealing
- 2. The district court's entry of judgment
- 3. The district court docket sheet

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Poor Due To Condition Of
Original Document.

Page 2

Case No. 06-16051

2. What are the facts of your case? My complaint is based on violations of the Federal Fair Credit Reporting Act 15 U.S.C.A. §§ 1681 et seq, the Federal Right to Financial Privacy Act title 12 section 3401 et seq, the California Right to Financial Privacy Act - Calt. Government Code # 7460 et seq, the U.S. Constitution (illegal search and seizure, Speedy trial rights, Equal Protection, Due Process, AND the Right to an impartial Jury) in Santa Clara County Court case # CC454838. We filed a complaint regarding these issues in U.S. District Court for the Northern District of California, but the complaint was dismissed. The complaint was construed as a civil rights action pursuant to 42 U.S.C. section 1983, when, in fact, the complaint was filed pursuant to the U.S. Federal Fair Credit Reporting Act title 15 section 1681 et seq, then requesting pendente lite jurisdiction over all of the subsequent issues that spring forth from those violations. The complaint challenge and controverted the initial search warrants / probable cause used to disclose, obtain, AND use my consumer credit reports for the impermissible purpose of a criminal investigation and prosecution in Santa Clara County Court case A CC 454838, and requested damages.

After my arrest due to information obtained from my Trans Union consumer credit report and Visa USA the following occurred:

A) On Oct. 19, 2004, I pled not guilty in Santa Clara County Court Case # CC 454838, entered a 10 day time waiver, yet the case was set for preliminary examination on Jan. 5, 2005, beyond, and in violation of, the requirement of P.C. 859b.

B) On Jan. 18, 2005, I again pled not guilty, did not enter either a 10 day nor a 60 day time waiver, yet the preliminary examination was held on June 2, 2005, beyond, and in violation of, the requirements of P.C. 859b.

C) On May 16, 2005, District Attorney Thomas Flaherty amended the complaint # CC-454838 adding counts 29, 30, & 31, over my objection, I again pled not guilty, yet the preliminary examination was set and held on June 2, 2005, beyond, and in violation of, the requirement of P.C. 859b, AS I again did not enter either a 10 nor 60 day time waiver.

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We further assert that the Trans Union, Experian, Equifax, and Visa USA search warrants were too broad to comport with the particularity requirements of the 4th Amendment, the Magistrate was not neutral nor detached the affiant did not have good faith, the warrants were insufficient on their face, and they should be suppressed.

Page 2-A

We further assert that TransUnion, Experian, and Equifax should not have disclosed my consumer credit report. And Visa should not have disclosed my financial record to Agent Alex Bism of the F.B.I. headed R.E.A.C.T. task force without legal process.

We also note that TransUnion, Experian, and Equifax did not require that the Affiant certify that my consumer credit report would not be disclosed for an impermissible purpose / no other purpose. Yet, my consumer credit report was also used to obtain my T-Mobile Wireless account information.

Also; U.S.C.A. Title 12 - Federal Right to Financial Privacy Act 3401 et seq, section 3416 reads: "Jurisdiction

An Action to enforce any provision of this chapter may be brought in any appropriate United States district court without regard to the amount in controversy within three years from the date on which the violation occurs or the date of discovery of such violation, whichever is later." We assert that this also shows that U.S. District Court has jurisdiction over the issues brought in case # C-06-0114, 06-16051, and pending jurisdiction in Santa Clara County Court case # CC454838

Case No. 06-16051

3. What did you ask the district court to do (for example, award damages, give injunctive relief, order your release from prison, etc.)?

Award damages, Injunctive Relief, order my release, Stop the use of my consumer credit report, financial records, and all other information/evidence disclosed, used, or obtained in Santa Clara County Court Case # CC454838. Also, to rule inadmissible and suppress the information/evidence obtained directly and indirectly from my consumer credit reports, and to exercise pendente lite jurisdiction over all subsequent issues.

4. State the claim or claims you raised at the district court. Violations of the Federal Fair Credit Reporting Act U.S.C.A. title 15 section 1681 et seq, the Federal Right to Financial Privacy Act title 12 section 3401 et seq, and or the California Right to Financial Privacy Act - California Government Code section 7460 et seq. We claim damages from all defendants based on violation of the aforementioned Acts.

5. What issues are you raising on appeal? That Federal Court / U.S. District Court has jurisdiction, that pendente lite jurisdiction should also be exercised by U.S. District Court over all subsequent issues that spring/bring forth after the disclosure, obtaining, and use of my consumer credit reports and my financial records, and that the Court should hear and rule on all issues that occurred directly and/or indirectly from the obtaining, disclosure, and/or use of my consumer credit reports and financial records, particularly in Santa Clara County Court Case # CC454838, including, but not limited to, all issues previously raised in case # C-06-0114 and all subsequent issues in Santa Clara County Court Case # CC454838

1617

Case No. 06-16051

6. Did you present all these issues to the district court?

YES If not, why?
Yes/No

7. What law supports these issues on appeal? (You may, but need not, refer to cases and statutes.)

The U.S. Constitution
U.S.C.A. title 15 - The Federal Fair Credit Reporting Act section 1681 et seq
U.S.C.A. title 12 - The Federal Right to Financial Privacy Act section 3401 et seq
The California Right to Financial Privacy Act 7460 et seq
California Penal Code 859b

Allen v. Calvo (1993) 832 F.Supp. 301, reads:

"Neither a criminal investigation nor a state grand jury subpoena constitutes a permissible purpose to furnish a consumer report under § 1681b."

U.S.C.A. title 15 - Federal Fair Credit Reporting Act section 1681p, reads;

"§ 1681p - Jurisdiction of courts; limitation of actions

An action to enforce any liability created under this subchapter may be brought in any appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction not later than the earlier of - (1) 2 years after the date of discovery by the plaintiff of the violation that is the basis for such liability: 1618

Page 5

Case No. 06-16051

8. Do you have any other cases pending in this court? If so, give the name and docket number of each case. NO

9. Have you filed any previous cases which have been decided by this court? If so, give the name and docket number of each case. NO

10. For prisoners, did you exhaust all administrative remedies for each claim prior to filling your complaint in the district court? THE CASE WAS FILED IN U.S. DISTRICT COURT WHOM HAS JURISDICTION. WE THEN REQUEST THE DISTRICT COURT TO EXERCISE PENDENT JURISDICTION OVER ALL SUBSEQUENT ISSUES, PARTICULARLY IN SANTA CLARA COUNTY COURT CASE # CC458838

6-20-06
DATE 6-20-06 SIGNATURE [Signature]
ADDRESS 885 N. San Pedro St. San Jose, CA. 95111
ALTERNATE MAILING ADDRESS:
Mr. Howard Young
PO Mrs. Katherine Young 1619
242 Westville St.
Dorchester, Massachusetts 02122

FILED

MAY 25 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HOWARD YOUNG,
Plaintiff,

v.

TRANS UNION, et al.,
Defendants.

No. C 06-0114 MJJ (PR)

ORDER OF DISMISSAL

(Docket Nos. 6, 11, 12, 13, 15, 16)

Plaintiff, an inmate at the Santa Clara County Jail, has filed this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges that defendants -- prosecutors, public defenders, police officers, federal investigators, state court employees, federal credit companies, and other government officials -- are violating his constitutional rights in the course of his current prosecution on state criminal charges in Santa Clara County Superior Court.¹ He seeks money damages, and, in a separate motion, injunctive relief.

A federal court must conduct a preliminary screening in any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). In its review, the court must identify any cognizable claims and dismiss any claims that are frivolous, malicious, fail to state a claim upon which relief may be granted or seek monetary relief from a defendant who is immune from such relief. See id. § 1915A(b)(1), (2). Pro se pleadings must, however, be liberally construed. See

¹In this order, the Court refers to the allegations in both the amended and original complaint.

1 Balistreri v. Pacifica Police Dept, 901 F.2d 696, 699 (9th Cir. 1988).

2 In order to recover damages for harm caused by actions whose unlawfulness would
3 render a conviction or sentence invalid, a plaintiff alleging a violation of § 1983 must
4 prove that the conviction or sentence has been reversed on direct appeal, expunged by
5 executive order, declared invalid by a state tribunal authorized to make such determination,
6 or called into question by a federal court's issuance of a writ of habeas corpus. See Heck v.
7 Humphrey, 512 U.S. 477, 486-487 (1994). A claim for damages based upon a conviction
8 or sentence that has not been so invalidated is not cognizable under § 1983. See id. at 487.
9 Heck also bars claims, such as those raised here, which necessarily implicate the validity of
10 pending criminal charges. See Harvey v. Waldron, 210 F.3d 1008, 1014 (9th Cir. 2000). A
11 civil claim which necessarily implicates the validity of pending criminal charges does not
12 accrue until after one has succeeded in the criminal realm. See id. (citing Heck). Plaintiff
13 claims that defendants are violating his federal rights in their prosecution of him; if proven
14 true, these claims would call into question the validity of his pending charges in state court.
15 Accordingly, this action is barred until plaintiff's state court charges have been reversed,
16 expunged, set aside or otherwise called into question.

17 With respect to the request for injunctive relief, under principles of comity and
18 federalism, a federal court should not interfere with ongoing state criminal proceedings by
19 granting injunctive or declaratory relief absent extraordinary circumstances. See Younger v.
20 Harris, 401 U.S. 37, 43-54 (1971). Younger abstention is required when: (1) state
21 proceedings, judicial in nature, are pending; (2) the state proceedings involve important state
22 interests; and (3) the state proceedings afford adequate opportunity to raise the constitutional
23 issue. See Middlesex County Ethics Comm. v. Garden State Bar Ass'n, 457 U.S. 423, 432
24 (1982). The state proceedings must be pending, not merely available, and plaintiffs must be
25 seeking relief that would interfere in some manner with the state court litigation. See Green
26 v. City of Tucson, 255 F.3d 1086, 1094 (9th Cir. 2001). The rationale of Younger applies
27 throughout appellate proceedings, requiring that state appellate review of a state court
28 judgment be exhausted before federal court intervention is permitted, see Huffman v.


1 Pursue, Ltd., 420 U.S. 592, 607-11 (1975). As plaintiff seeks injunctive relief in his
2 ongoing state criminal prosecution and appeal, abstention in appropriate under Younger.
3 Accordingly, the motions for a TRO or a preliminary injunction is DENIED.

4 For the foregoing reasons, this action is hereby DISMISSED without prejudice. In
5 light of this dismissal, the motion for summary judgment, for appointment of counsel, for
6 discovery, and to proceed in forma pauperis are DENIED, and no filing fee is due.

7 This order terminates docket numbers 6, 11, 12, 13, 15, 16.

8 IT IS SO ORDERED.

9 DATED: 5/25/2006

10 
11 MARTIN J. JENKINS
12 United States District Judge
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FILED

MAY 25 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. CV 06-00114 MJJ

HOWARD YOUNG,
Plaintiff,

JUDGMENT IN A CIVIL CASE

v.

TRANS UNION,
Defendant.

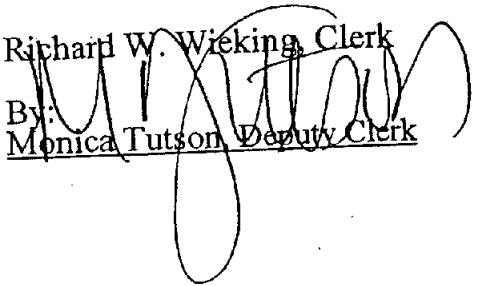
☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS SO ORDERED AND ADJUDGED

This matter is **dismissed**.

Dated: 5/25/2006

Richard W. Wieking, Clerk
By: 
Monica Tutson, Deputy Clerk

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Page 1/9

United States District Court (Northern District of California)

CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

HOWARD YOUNG, Plaintiff, Petitioner **C 06 - 0114**

CASE No.

MJJ (P)

DEFENDANTS, RESPONDENTS

TRANS UNION, EXPEDIAN, EQUifax, VISA USA, State of California ATTORNEY,
GENERAL'S OFFICE (BUD FRANK), F.B.I. / REACT (ALEX BOUTA, ART MARTINEZ,
LAS VEGAS METROPOLITAN POLICE DEPARTMENT (ROBERT HAGBERG), SANTA CLARA COU
SANTA CLARA COUNTY COURT (CHARLES HAYDEN, RON DEL POZZO, RANDOLPH RICE, JUD
LEE, JUDGE TIEN), SANTA CLARA COUNTY DISTRICT ATTORNEY'S OFFICE (JAMES SIBLE
THOMAS PLATHEY), SANTA CLARA COUNTY PUBLIC DEFENDER'S OFFICE (CRIG KENNEDY, ROSS
McMANN, MICHELLE FLOYD, BRIAN MATTHEWS), PALO ALTO POLICE DEPARTMENT (DAVE FISH
MENLO PARK POLICE DEPARTMENT (ALEX BOUTA), SAN MATEO DISTRICT ATTORNEY'S OFF
AND THE ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE, THE ADDRESSES OF WHICH A
INCLUDING, BUT NOT LIMITED TO: SANTA CLARA COUNTY COURT 70 WEST HEDDING ST. SAN JOSE, CA
SANTA CLARA COUNTY DISTRICT ATTORNEY'S OFFICE, 70 WEST HEDDING ST., SAN JOSE, CA 95110
SANTA CLARA COUNTY PUBLIC DEFENDER'S OFFICE, 120 WEST MISSION ST., SAN JOSE, CA 95110
EXPEDIAN, P.O. Box 1240, Allen TEXAS 75013
TRANS UNION, 555 West Adams St. CHICAGO, ILL. 60661
EQUifax, 1600 Peachtree St. Atlanta, GA. 30309
VISA USA, 901 Metro Center Blvd., Foster City, CA. 94404
F.B.I. / REACT, 900 Veterans Blvd suite 530, Redwood City, CA. 94063
MENLO PARK POLICE DEPARTMENT, 701 Laurel St., Menlo Park, CA. 94025
PALO ALTO POLICE DEPARTMENT, 275 Forest Ave., Palo Alto, CA. 94301
ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE, 661 Washington St., Oakland, CA. 94607
SAN MATEO DISTRICT ATTORNEY'S OFFICE, Additional Defendants will be added based
on those charges and/or investigations based on information directly and/or
indirectly obtained and/or used from the Plaintiff's consumer credit report file

1289

Photographic Image May Be
Poor Due To Condition Of
Original Document.

EXHIBIT KEY CODE

	EXHIBIT A - Palo Alto Investigation (Continuation Report - Emails, Receipt, + Drivers L
	EXHIBIT B - Santa Clara Court Complaint (Amended 5-16-05) Mercury News Article
	EXHIBIT C - Expedia Affidavit, Search Warrant, and consumer report
	EXHIBIT D - Equifax Affidavit, Search Warrant, and consumer report
	EXHIBIT E - TransUnion Affidavit, Search Warrant, and consumer report
	EXHIBIT #1 - EBAY/PAYPAL Affidavit, search warrant, and account records
	EXHIBIT #2 - Visa USA Affidavit, search warrant, and financial record
	EXHIBIT #3 - Hertz Affidavit, search warrant, and account records
	EXHIBIT #4 - Avis Affidavit, search warrant, and account records (shortened)
	EXHIBIT #5 - ARC Affidavit, search warrant, and account records (full response)
	EXHIBIT #6 - T-Mobile Wireless Affidavit, search warrant, and account records (short)
	EXHIBIT #7 - San Francisco International Airport Affidavit, search warrant, and inventory w
	EXHIBIT #8 - Public Storage Affidavit, inventory photos
	EXHIBIT #9 - Las Vegas Affidavit, search warrant, inventory with photos, and report
	EXHIBIT #10 - Subpoenas for Avis, Hertz, Bank of America, American Express, Chase, and other
	EXHIBIT #11 - Motions to Quash Subpoenas, Suppress, Compel Discovery, and Court Minute Order
to be marked	EXHIBIT #12 - Preliminary Transcript with exhibits, and motion to set aside
later and/or	EXHIBIT #13 - Postal Police reports with Cleveland Benke Photo
separately	EXHIBIT #14 - Reinstated Corrections Program Certificates (R.C.P.)
	EXHIBIT #15 - Jail and Hospital Records, including plaintiff's wife's (to be sent
(C.R.P. & F.C.R.A.)	Inter, along with additional discovery) Plaintiff damages (itemized list)
	EXHIBIT #16 - (to be added later) Plaintiff's medical and jail records, wife's medical
	EXHIBIT #17 - (to be added later) Additional Discovery from District Attorneys/Kenneth
	EXHIBIT #18 - (to be added later) " Police Departments / In
	EXHIBIT #19 - (to be added later) " Plaintiff / Attorney
	Grand - Photo Bank (swiping Article #1, 200,000), article Unconstitutional plane search, T.B. MR
	Post-comp Article, Affidavits & Consent

EXHIBIT

B

SUPERIOR COURT OF CALIFORNIA
SANTA CLARA COUNTY JUDICIAL DISTRICT
PALO ALTO FACILITY

SEARCH WARRANT

THE PEOPLE OF THE STATE OF CALIFORNIA

To any Sheriff, Constable, Marshal, Police Officer, or Peace Officer in the County of
Santa Clara:

Proof by affidavit, having been made before me this day by David Flohr, that the
property described below is lawfully seizable pursuant to Penal Code Section 1524, as
indicated below, in that it:

- ☐ was stolen or embezzled;
- ☐ was used as the means of committing a felony;
- ☐ is possessed by a person with the intent to use same as a means of
committing a public offense, or in the possession of another to whom
he/she may have delivered same for the purpose of concealing or
preventing its discovery;
- ☒ constitutes evidence tending to show that a felony has been committed or
that a particular person has committed a felony; and that there is probable
cause to believe that the described property is now located at, and will be
found at, the location(s) set forth below:

YOU ARE THEREFORE COMMANDED, in the daytime, to make immediate search of
the premises located at:

TransUnion, Attn.: Custodian of Records, 555 West Adams Street, Chicago, IL
60661

PAPD Case Number
596 596-272-0058

1 FOR THE FOLLOWING PROPERTY / RECORDS
2

3 Credit report for:

4 Young, Howard Allen DOB: 01-04-63 SS#030-42-7574
5

6 TransUnion is not to disclose the existence of this order without prior approval of
7 the court.
8

9 Pursuant to California Government Code Section 7475, the institution described above
10 in "location" is hereby ordered to comply with the request(s) for records contained in this
11 search warrant within 15 days of service of this search warrant.
12

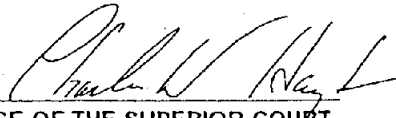
13 In the event the above-described records are not located in the location(s) served with
14 this search warrant, pursuant to this search and seizure order and California Penal
15 Code 1530 the manager is hereby ordered to produce those records at the location
16 served with this search warrant within 10 days of service of this warrant.
17

18 If additional time is needed to comply, the INSTITUTION DESCRIBED is ordered to
19 follow the requirements of Government Code Section 7475 and to timely serve the
20 District Attorney's Office with a copy of any motion requesting an extension of time at
21 least 48 hours in advance of the hearing on the motion.
22

23
24 597

1 AND, if you find the same or any part thereof, to hold such property in your possession
2 under California Penal Code Section 1536.

3
4 Subscribed and sworn to me
5 this 4th day of May, 2004.

6 
7 JUDGE OF THE SUPERIOR COURT
8 COUNTY OF SANTA CLARA

9 CHARLES W. HAYDEN
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SUPERIOR COURT OF CALIFORNIA
SANTA CLARA COUNTY JUDICIAL DISTRICT
PALO ALTO FACILITY

SEARCH WARRANT

THE PEOPLE OF THE STATE OF CALIFORNIA

To any Sheriff, Constable, Marshal, Police Officer, or Peace Officer in the County of
Santa Clara:

Proof by affidavit, having been made before me this day by David Flohr, that the
property described below is lawfully seizable pursuant to Penal Code Section 1524, as
indicated below, in that it:

- ☐ was stolen or embezzled;
- ☐ was used as the means of committing a felony;
- ☐ is possessed by a person with the intent to use same as a means of
committing a public offense, or in the possession of another to whom
he/she may have delivered same for the purpose of concealing or
preventing its discovery;
- ☒ constitutes evidence tending to show that a felony has been committed or
that a particular person has committed a felony; and that there is probable
cause to believe that the described property is now located at, and will be
found at, the location(s) set forth below:

YOU ARE THEREFORE COMMANDED, in the daytime, to make immediate search of
the premises located at:

Experian, Attn.: Custodian of Records, [REDACTED]

PAPD Case Number

01-272-0058

619

CX

1 FOR THE FOLLOWING PROPERTY / RECORDS

2 Credit report for:

3 Young, Howard Allen DOB: 01-04-63 SS#030-42-7574

4
5 Experian is not to disclose the existence of this order without prior approval of
6 the court.

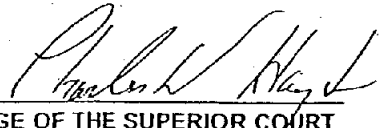
7
8 Pursuant to California Government Code Section 7475, the institution described above
9 in "location" is hereby ordered to comply with the request(s) for records contained in this
10 search warrant within 15 days of service of this search warrant.

11
12 In the event the above-described records are not located in the location(s) served with
13 this search warrant, pursuant to this search and seizure order and California Penal
14 Code 1530 the manager is hereby ordered to produce those records at the location
15 served with this search warrant within 10 days of service of this warrant.

16
17 If additional time is needed to comply, the INSTITUTION DESCRIBED is ordered to
18 follow the requirements of Government Code Section 7475 and to timely serve the
19 District Attorney's Office with a copy of any motion requesting an extension of time at
20 least 48 hours in advance of the hearing on the motion.

1 AND, if you find the same or any part thereof, to hold such property in your possession
2 under California Penal Code Section 1536.

3
4 Subscribed and sworn to me
5 this 4th day of May, 2004.

6 
7 JUDGE OF THE SUPERIOR COURT
8 COUNTY OF SANTA CLARA

9 CHARLES W. HAYDEN
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IN THE SUPERIOR COURT
FOR THE SANTA CLARA COUNTY JUDICIAL DISTRICT,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

STATE OF CALIFORNIA)
) ss. RETURN AND INVENTORY ON
COUNTY OF SANTA CLARA) SEARCH WARRANT

I, Detective David Flohr, make this return to the within seizure order, on this 2nd day of June, 2004. I received said order, and under its authority I seized the below listed property on May 25th, 2004.

ADDRESS WHERE SEIZED: The documents were received from Experian from a search warrant served at P.O.Box 1240, Allen, TX 75013. The search warrant was dated the 4th day of May, 2004, and was executed by Judge Charles Hayden, Judge of the Superior Court, County of Santa Clara, State of California.

INVENTORY: See Exhibit "A", Palo Alto Police Property Sheet attached hereto and incorporated by reference.

I, Detective David Flohr, by whom this warrant was executed, do swear that the inventory set forth in Exhibit "A" contains a true and detailed account of all the property received by me pursuant to the warrant and order. The property seized will be held under California Penal Code Section 1536 and disposed of according to law, or the property will be held and processed in accordance with the forfeiture procedures set forth in California Penal Code 186.3 *et seq.* or Title 21, United States Code Section 881, *et seq.*

Subscribed and sworn before me
this 2nd day of June, 2004

Detective David Flohr, PAPD

Judge of the Superior Court, County of Santa Clara,
State of California

SUPERIOR COURT OF CALIFORNIA
SANTA CLARA COUNTY JUDICIAL DISTRICT
PALO ALTO FACILITY

SEARCH WARRANT

THE PEOPLE OF THE STATE OF CALIFORNIA

To any Sheriff, Constable, Marshal, Police Officer, or Peace Officer in the County of
Santa Clara:

Proof by affidavit, having been made before me this day by David Flohr, that the
property described below is lawfully seizable pursuant to Penal Code Section 1524, as
indicated below, in that it:

- ☐ was stolen or embezzled;
- ☐ was used as the means of committing a felony;
- ☐ is possessed by a person with the intent to use same as a means of
committing a public offense, or in the possession of another to whom
he/she may have delivered same for the purpose of concealing or
preventing its discovery;
- ☒ constitutes evidence tending to show that a felony has been committed or
that a particular person has committed a felony; and that there is probable
cause to believe that the described property is now located at, and will be
found at, the location(s) set forth below:

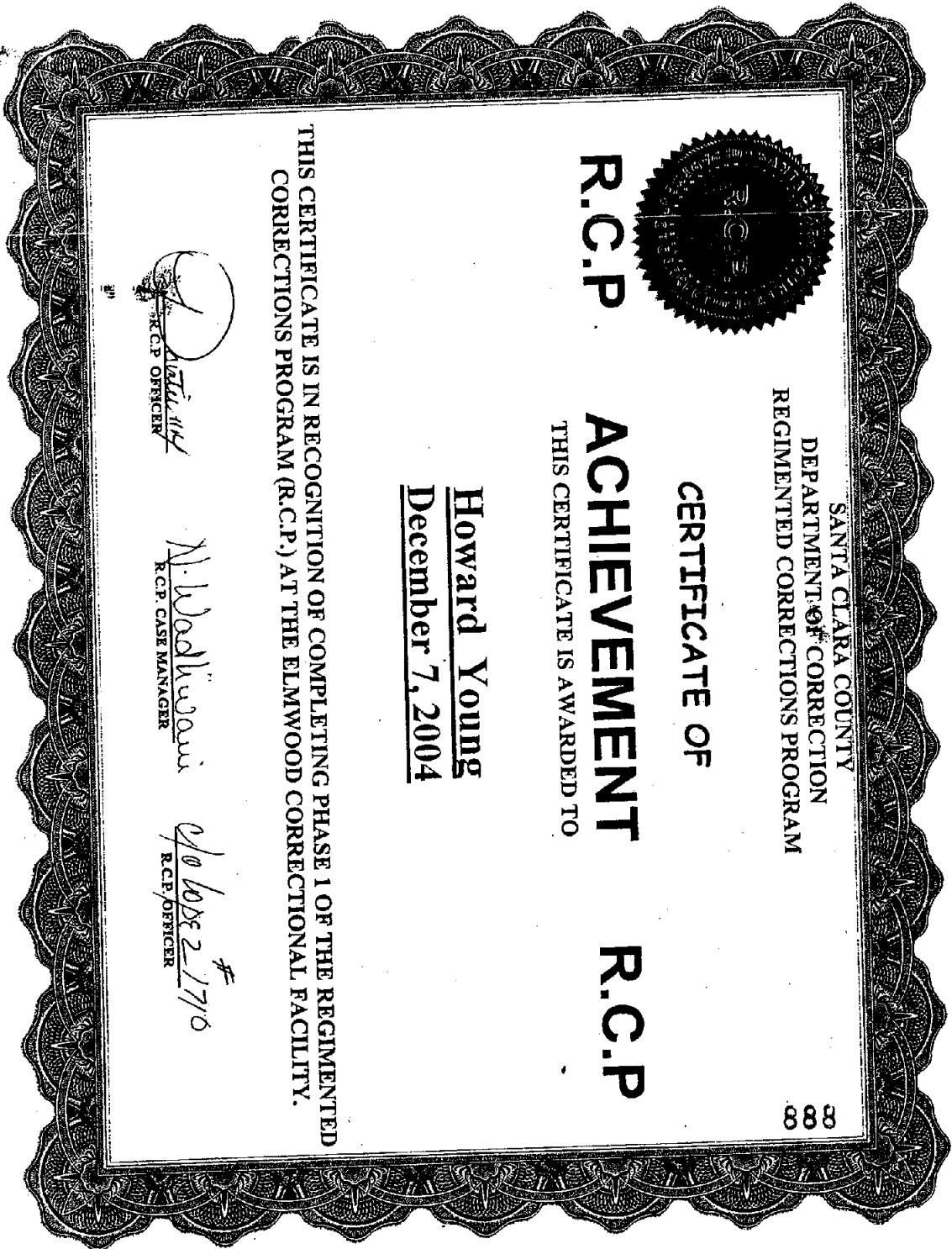
YOU ARE THEREFORE COMMANDED, in the daytime, to make immediate search of
the premises located at:

Equifax, Attn: Custodian of Records, 1600 Peachtree Street, Atlanta, GA 30309

PAPD Case Number
01-272-0058

603

EXHIBIT
C



REGIMENTED CORRECTIONS PROGRAM

The Regimented Corrections Program (R.C.P.) is a coordinated effort between the Courts, Department of Correction, Probation Department, Milpitas Adult Education, Friends Outside and other Service Providers, collaborating to assist County Jail Inmates to effect a successful re-entry into the community.

The goal of the R.C.P. Project is to utilize a combination of in-custody programs with post release programs in a comprehensive approach to more successful, law abiding, productive lifestyles.

R.C.P. Phase 1 is an eight week intensive educational in-custody program which is highly structured and designed to facilitate change through positive intervention. The curriculum is focused on the students gaining information regarding the underlying dynamics that may have contributed to their repeated incarcerations. They learn new methods of thinking and behavior that can empower them to take charge of their lives and effect change through commitment, determination, discipline, and realistic goal setting. They learn how to develop a support system for themselves in the community for ongoing success and encouragement from others who are committed to a new lifestyle.

2002-2003 SANTA CLARA COUNTY CIVIL GRAND JURY

INSPECTION REPORT

SANTA CLARA COUNTY ELMWOOD CORRECTIONAL CENTER COMPLEX

Summary

Members of the Grand Jury conducted an inspection of the Elmwood Correctional Center Complex on August 12, 2002. This inspection is one part in a series of the Grand Jury's periodic reviews of the many government agencies and facilities that serve the citizens of Santa Clara County.

Department Of Correction Mission Statement

The mission of the Department of Correction is to serve and protect the citizens of Santa Clara County and the State of California, by detaining the people under its supervision in a safe and secure environment, while providing for their humane care, custody and control.

The Department will maximize opportunities for offenders to participate in programs that reduce criminal behavior and enhance the offenders' reintegration into the community.

This objective will be accomplished in a cost-effective manner in the least restrictive setting, without compromising public safety.

Department of Correction Organization

The Elmwood Correctional Center Complex is organized under the Santa Clara County Department of Correction (DOC). The Chief of Correction, James Babcock, oversees the total operation of the jail system in the county, which is the fifth largest jail system in California, and the fourteenth largest in the United States. The Elmwood Complex is rated as a medium and minimum security facility. The DOC system includes the following:

<u>Facility</u>	<u>Approximate Capacity</u>
◆ Elmwood Correctional Complex – Milpitas	2,600 male inmates
◆ Correctional Center for Women - Milpitas	500 female inmates

♦	Main Jail South - San Jose	500 male inmates
♦	Main Jail North - San Jose	740 male inmates
♦	North County Jail - Palo Alto	Day Operations Only
♦	Brokaw Road Day Reporting Center - San Jose	120 inmates

The Grand Jury inspected the Elmwood Correctional Center Complex, which is located off Highway 880 in Milpitas. The facility commander is Captain Sandra Padgett, who supervises a total staff of 476 badged personnel and 41 non-badged personnel.

Department of Correction Statistics

Data shown is for calendar year 2002. This information was taken from the department's FAQs sheet (Frequently Asked Questions) for the summer of 2002 and is for the entire DOC:

♦	Population:	Annual Bookings:	65,000
		Total Daily Holdings:	3,840
		Avg. Length of Stay in Days:	95
♦	Inmates:		
		Main Jail:	1,335
		Elmwood:	2,367
		Women's Center:	459
♦	Other Custody Programs:		
		Electronic Monitoring:	110
		Public Service:	64
		Regimented Corrections:	156
		Weekend Work:	917
		Work Furlough:	186
♦	Other Data (per year):		
		Budget:	\$121.0 million
		Revenue:	\$ 8.5 million
		Staff:	1,125
		Med/Dental Appointments:	50,000
		Meals Served:	5,300,000

Grand Jury Review

Members of the Grand Jury spent about six hours inspecting the Elmwood Complex. The day began with a meeting with the chief administrative staff, during which department managers gave the Grand Jury an overview of their particular operation. Time was spent explaining the various programs the DOC offers to its inmates. These cover a wide array of

subjects, from Positive Parenting, Anger Management and Twelve-Step Programs, classroom educational and literacy courses, to craft shops such as metal working and carpentry. We observed several of these programs while on the inspection, having a chance to meet with staff members supervising the programs and the inmates participating in the programs. The inspection included the dormitory areas for male and female inmates. As we moved from place to place, we noticed there was a sufficient number of guards to accomplish a given task, without creating an overwhelming presence. At least in our presence, guards and inmates appeared to respect each other, with the guards addressing the inmates firmly but politely. A number of the Grand Jury members on this inspection spoke to inmates out of earshot of the staff. Inmates claimed they were generally well treated by the guards—no one complained of harsh treatment. There were a few complaints about the food, especially lunches. Inmates do not like the cold box lunches and plain sandwiches which constitute daily fare.

The dormitories were somewhat crowded, lacked any privacy, were clean though very plain. Inmates are responsible for cleaning their living areas, and we saw many inmates engaged in these tasks. The bathroom facilities offered only the bare minimum of privacy. We noticed in some of the dormitories that bunk beds were improperly assembled, leading to minor injuries from protruding metal parts to inmates on the top bunk. In one dormitory, two of five showers were not working, creating a minor hardship for the some 20-30 inmates housed in that area. Facility staff commented that sometimes the inmates will deliberately damage the plumbing.

The kitchen facility is a large-scale operation. The Elmwood kitchen provides all the meals for the entire Department of Correction inmates, over 5000 meals per day. This is accomplished by use of highly mechanized preparation and cooking equipment. The kitchen staff has developed ways to process meals on a very large scale, using freezers, warm up trucks and the like to transport the food throughout the jail system. We inspected breakfast trays and box lunches. While the food is plain, it is varied and well balanced. There appeared to be plenty of food served to the inmates. An exceptional service is the kitchen's ability to meet the dietary needs of every inmate, including medical and religious diets of every kind. The system of dispensing these special diets during the meal time when hundreds of inmates are served at a time is impressive. The kitchen was spotless, and the basic foodstuffs of good quality. A number of tasks in the kitchen and warehouse are performed by inmates on the *trusty system*.

We were informed by senior staff that a potentially serious problem related to security involves delivery trucks bringing supplies to the complex. At present there is no secure place for trucks to be inspected

before entering or leaving the complex. This poses the possibility of contraband being brought into the facility, or perhaps inmates leaving suspended under the delivery truck. While guards are cognizant of this problem and are careful around delivery trucks, such procedures as using mirrors and routine inspections would help improve this situation.

Two programs were of particular interest. One was the garden that the inmates have developed, growing both flowers and a variety of vegetables. This appears to give a number of inmates something positive to do each day, as well as prepare them for potential outside employment. The second, a most impressive program to see in action, was the RCP—Regimented Corrections Program. This is a voluntary program in which inmates subject themselves to a mini boot camp experience in Phase I. Participants are given special orange uniforms and army type boots, and they are required to keep them military clean, pressed and polished. In Phase II, inmates are released to their homes or work furlough programs, where they take supervised courses in behavior and addiction management, trade skills and job readiness. A number of inmates participate in psychological assessments and group therapy sessions. We spoke to both male and female participants (the sexes are kept strictly separate) and found them to be enthusiastic about the program. This part of the inspection was not scheduled but took place at the request of several of the Grand Jury members who asked to speak with the inmates. Inmates informed us that the program is making a big difference in their attitudes and lives. Several thought that, as a result, they would never return to Elmwood or any other jail. Surprisingly, perhaps, inmates not participating in the RCP laugh at those who do, poke fun and, if given an opportunity, engage in fights. For this reason, RCP inmates are housed separately from the general population.

Conclusion and Observations

Conclusion

Recognizing that this inspection reviewed only the highlights of the Elmwood Complex and its programs, the Grand Jury members have concluded that Elmwood is currently a well run, orderly facility. Inmates are treated humanely, with ample programs provided to take care of ordinary physical, mental and health care needs. Opportunities are afforded inmates to improve themselves and thereby reduce the chances that they will return to Elmwood in the future. Facility maintenance is at an acceptable level, with the caution that better attention might be paid to minor items such as bunk bed repair and plumbing fixtures.

Observation 1

The Grand Jury was most impressed with the Regimented Corrections Program (RCP), and sees this program as a great hope for restoring inmates to productive lives once they leave the jail. The Department of Correction is encouraged to continue to develop this program, expanding its capacity and initiating educational programs to convince as many inmates as possible of the advantages of participating in RCP.

Observation 2

Even though the escape record at the Elmwood Complex is acceptable, the matter of security related to delivery trucks causes some concern. The Grand Jury believes facility staff have the capabilities and means to improve this situation and suggests that steps be taken immediately to do so.

Observation 3

The matter of proper assembly of some of the top bunks is a minor maintenance issue. When improperly assembled, the top bunk projects metal fittings into the area used by the inmate to access the top bunk. This can lead to cuts. One such situation was observed. The Grand Jury suggests that facility maintenance staff inspect the top bunks to determine if repairs are necessary.

PASSED and ADOPTED by the Santa Clara County Civil Grand Jury on this 6th day of February, 2003.

Fred de Funiak
Foreperson

Ron R. Layman
Foreperson Pro Tem

Patricia L. Cunningham
Secretary

Boot Camps

Since the mid-1980s many jurisdictions have implemented highly regimented, short-term correctional programs resembling some aspects of military basic training. These programs, known as boot camps or shock incarceration, serve as an alternative to long-term traditional incarceration. Typically, boot camps target younger offenders who resist authority and refuse to listen or learn in traditional classroom or treatment environments. At boot camps, offenders are subjected to strict discipline, physical training, and hard labor. Most boot camps exclude offenders with violent crime convictions or who have previously been incarcerated. Offenders typically volunteer to participate in boot camps to avoid other types of incarceration. The usual length of incarceration in boot camps ranges from three to six months.

Microsoft ® Encarta ® 2007. © 1993-2006 Microsoft Corporation. All rights reserved.

Certificate of Success

This certifies that

Howard Young

has successfully completed the RCP

Productive Parenting Class

on

December 1, 2004

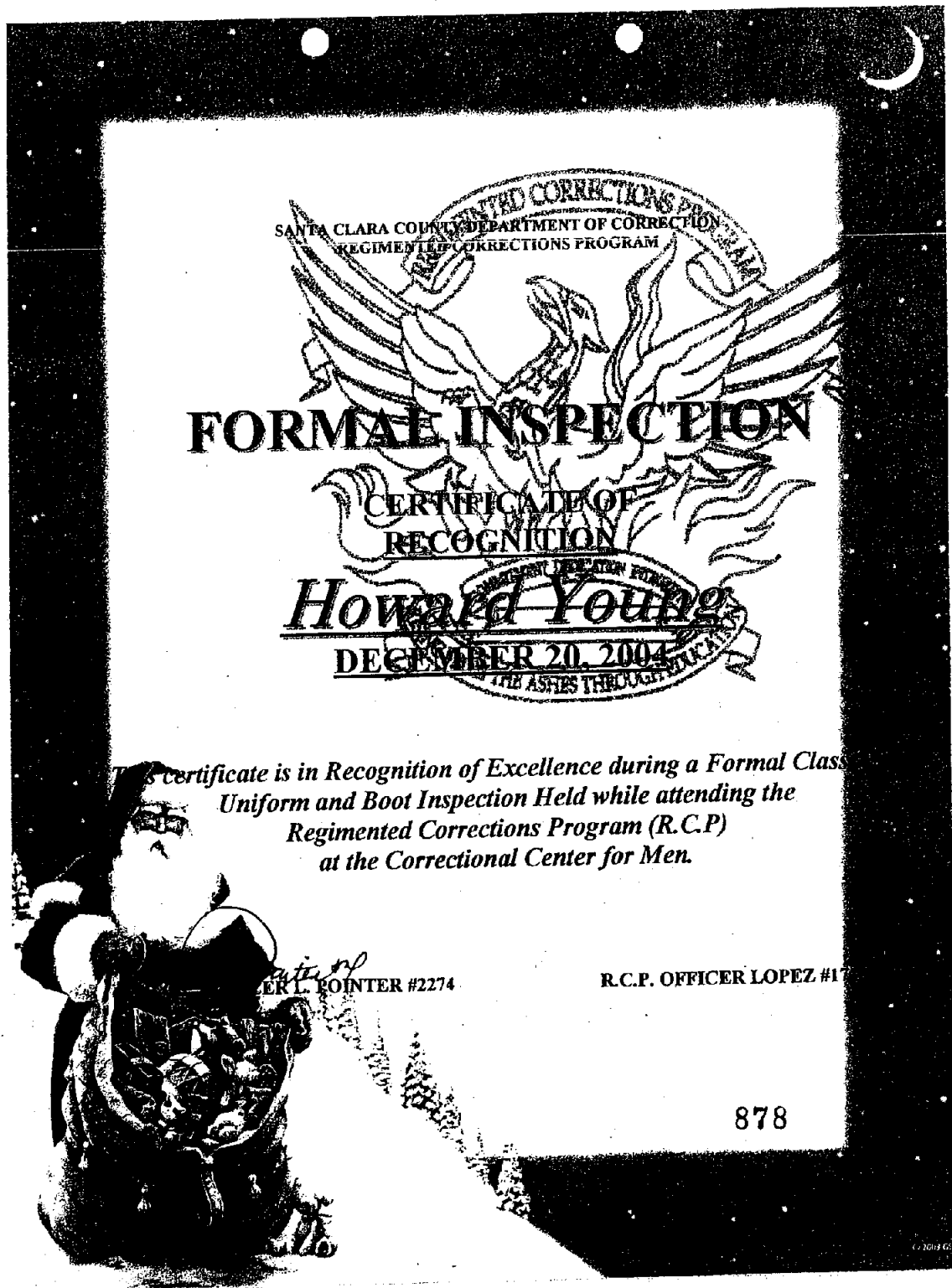
Janet White, MSW

Janet White, MSW
Instructor

12.1.04
Date

879





SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
REGIMENTED-CORRECTIONS PROGRAM

DEMOLITION SQUAD

R.C.P. NOVEMBER MARCH OF R.C.P.
DEPARTMENT OF CORRECTIONS

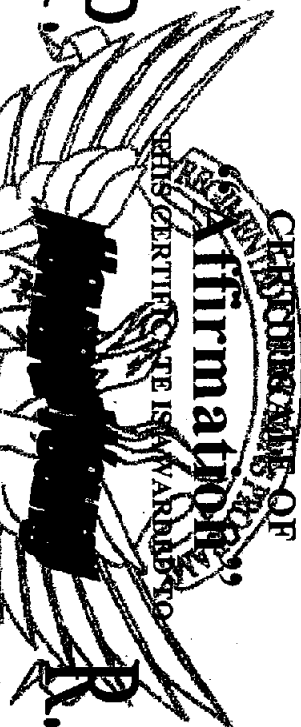
November 28, 2004

This certificate is in recognition of Participation and Excellence in
Marching and Winning while participating in the November March
Off while attending the Regimented-Corrections Program (R.C.P.) at
the Correctional Center for Men.

R.C.P. OFFICER LOPEZ #1710

R.C.P. OFFICER LOPEZ #1710

R.C.P.



R.C.P.

November 27, 2004

This certificate is for the Affirmation received by showing fellow Cadets the true meaning of a Motivated Cadet. By taking the time to participate in the classes and verbally expressing yourself in a Positive Affirmation House Meetings you have shown other cadets what it means to be dedicated to their recovery. Your being given an AFFIRMATION is and demonstrates the positive influence you have in the house. "By giving you have received." You have shown yet another way a R.C.P. Cadet is Strong and Disciplined. You have made us all proud. Your Leadership Skills and sharing has helped a great deal and you are a Role Model to all in Phase I of the Regimented Corrections Program (R.C.P.) at the

Elmwood Correctional Facility

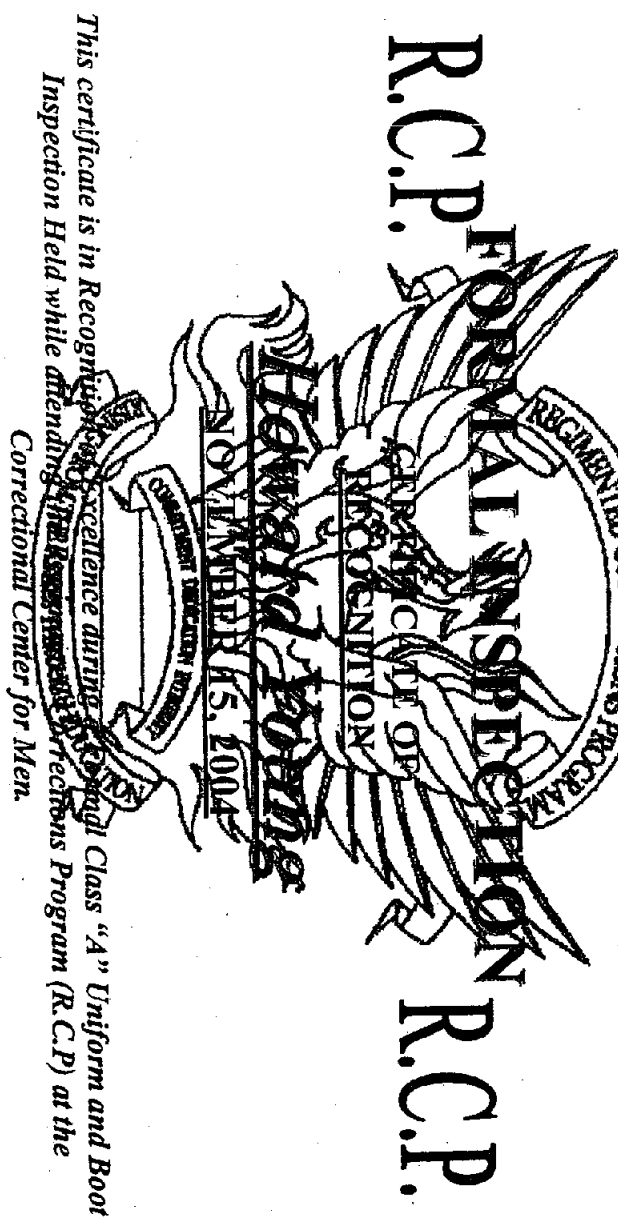
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~~SANTA CLARA COUNTY DEPARTMENT OF CORRECTIONS
RECIPIENT OF GRANTS PROGRAM~~

~~REQUIREMENT CONNECTING PROGRAM~~

R.C.P. **FORMAT INSPECTION** R.C.P.



This certificate is in Recognition of Excellence during the Annual Class "A" Uniform and Boot Inspection Held while attending the Reentry and Corrections Program (R.C.P) at the Correctional Center for Men.

RC.P. OFFICER L. POINTER #2274

R.C.P. OFFICER LOPEZ #1710



R.C.P.

SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
REGIMENTED CORRECTIONS PROGRAM

BODY SHOP

CERTIFICATE OF
RECOGNITION

Founding Member

October 30, 2004

R.C.P.

872

This certificate is in Recognition of Perfection and Excellence in
Marching while participating in the September March-Off while
Attending the Regimented Corrections Program (R.C.P.) at the
Correctional Center for Men.




R.C.P. OFFICER L. POINTER #2274



R.C.P. OFFICER LOPEZ #1710



This certificate is in Recognition of Excellence awarded to POINTER, RICHARD L. of Class "A" Uniformed Services University of the Health Sciences Program (U.S.H.S.P.) at the Correctional Center for Men.


R.C.P. OFFICER L. POINTER #2274

R.C.P. OFFICER L. POINTER #2274



SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
REGIMENTED CORRECTIONS PROGRAM

870

CERTIFICATE OF APPRECIATION

R.C.P.

"LITTLE BROTHER"

R.C.P.

Howard Young

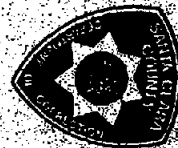
October 3, 2004

*This certificate is in Appreciation for being Mentored by your Big Brother
Clarence Neal through the First Four Weeks in Phase I of the Regimented
Correctional Program (R.C.P.) at the
Elmwood Correctional Facility*

R.C.P. OFFICER L. POINTER #2274

R.C.P. OFFICER LOPEZ #1710

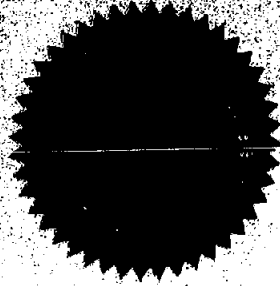
Certificate of Completion



881

Howard Young
is awarded this certificate
for completing

Review of Writing Skills



Instructor Diana



Milpitas Adult Education

Date 12/1/04

Certificate of Attendance

880

This certifies that

Howard Young

*has attended at least eight classes of
Health Realization*

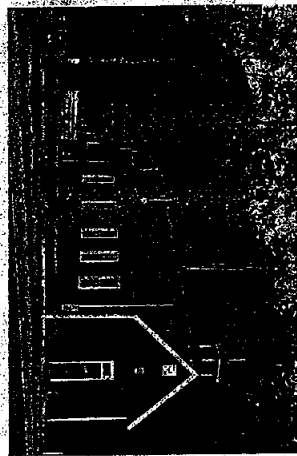
"Thought is not reality; yet it is through Thought that our realities are created." -Syd Banks

Renele Whisman

*Renele J. Whisman
Instructor*

*13 December 2004
Date*

GRADUATION 2001



GRAD. REC'D

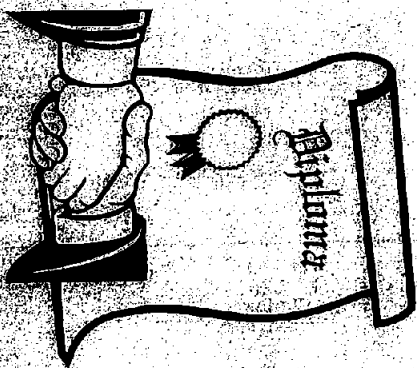
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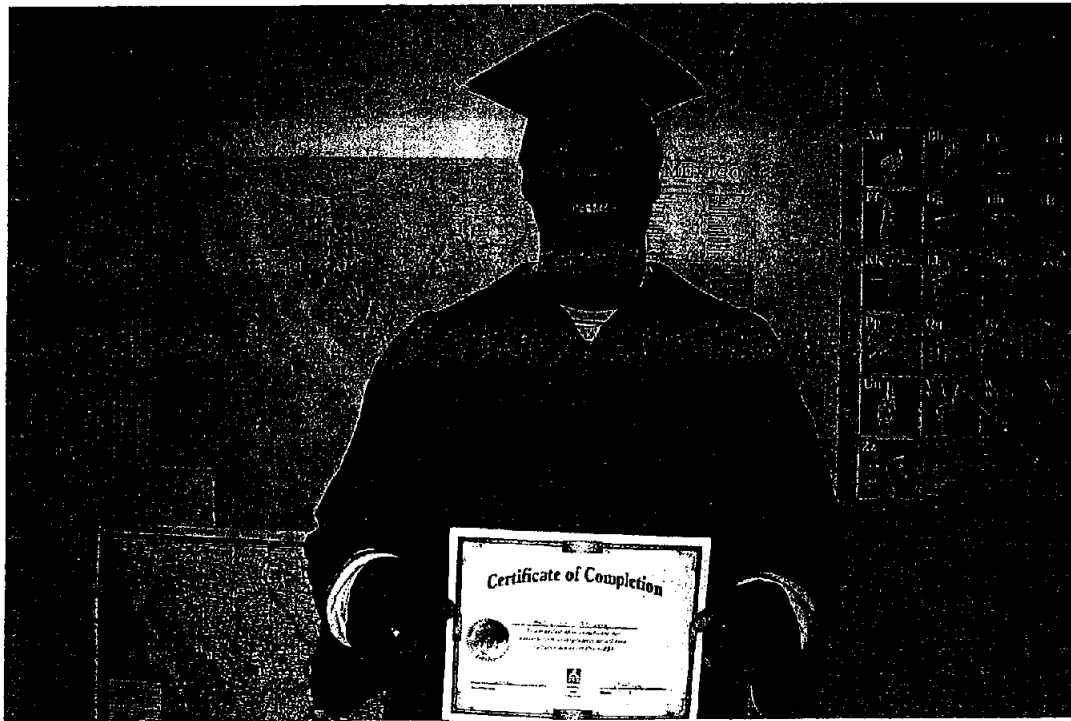
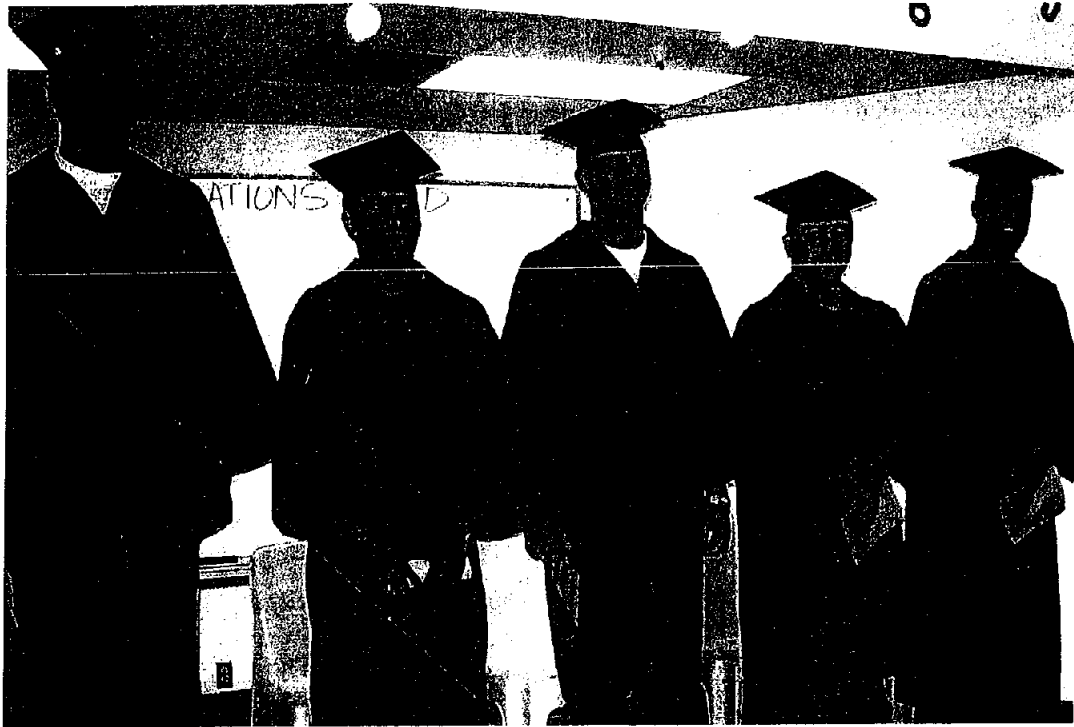
Musical Prelude.....
Processional.....
Flag Salute.....
Greetings and Introduction
of teachers.....

Most Improved Essay.....
Essay of the week.....
Special.....
Recognition.....
Recessional.....

Guest speaker.....
Graduate speaker.....
Graduates.....
Amesquita, Anthony.....
Ramsey, Gary.....
Stout, Jason.....
Suarez, Arthur.....
Young, Howard.....

887





Certificate of Completion

Howard Young
is awarded this certificate
for completing

GEO Testing

Instructor

Quinn

Milpitas Adult Education



Date

11/15/04



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EXHIBIT

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THE BAR ASSOCIATION OF
SAN FRANCISCO
VOLUNTEER LEGAL SERVICES PROGRAM

vlsp Changing Lives

VLSP BOARD OF DIRECTORS

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Chair
James Donato
Vice Chair
Russell Roeca
Treasurer
Arturo J. González
Secretary
Christopher F. Emley
Julia Coleman-Hudson
Teresa Richards
Lisa Owens

September 25, 2007

Mr. Howard Young
F-44590
P.O. Box 8800
Corcoran, Ca. 93212-8800

Dear Howard,

VLSP ADVISORY BOARD

Christopher F. Emley
Chair
Jack W. London
Vice-Chair
Tania Alvarez
Sarah Davis
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Hon. Isabella H. Grant
Jonathan V. Holzman
Julia Coleman Hudson
Michélene Insalaco
Hon. Maria-Elena James
Patricia D. Lee
Thomas Pulliam
Teresa Richards

We have received your request for pro bono counsel. We need a little bit more information from you to see whether or not we can assist you in this matter. If your case remains in the appeals court, unfortunately we won't be able to assist you. However you can contact Bay Area Legal Aid, who may be able to provide counsel for you. Their toll free phone number is (800) 551-5554; and their direct line is (415) 354-6360.

If however your case was remanded back to the district court, we may be able to take the case through our Federal Pro Bono Project. In this instance, Judge Jenkins would need to order that your case be sent to our offices, in which case we can start looking to place your matter with a pro bono attorney. You would need to request this from him.

I have enclosed my card. Please don't hesitate to contact us with any more questions. If we are unable to assist you, we hope you are able to get your matter resolved.

Best wishes,


Porcia Thurston
Equal Justice Works AmeriCorps Member
Volunteer Legal Services Program

STAFF

Tiela Chalmers, Esq.
Executive Director
Teresa Friend
Deputy Director
Managing Attorney, HAP
Krista Denton
Managing Attorney, Programs
Mairi McKeever
Managing Attorney, Operations
Julie Rosenthal, MSW
Director of Social Services
Katie Danielson
Senior Supervising Attorney, HAP
Haydée I. Alfonso
Supervising Attorney, CORP
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Supervising Attorney
Ramona Q. Holguín
Supervising Attorney, HAP
Ted Janowsky
Supervising Attorney, HAP
Megan Low
Volunteer Services Manager
Pierre Stroud
Community Programs Manager
Kristie Whitehorse, J.D.
Buchalter Fellow
Program Coordinator, Family Law
Michael Zaugg
Staff Attorney, HAP

☐ VOLUNTEER LEGAL SERVICES PROGRAM

tel 415.982.1600 fax 415.477.2390
301 Battery Street, 3rd Floor San Francisco, CA 94111
www.sfbar.org/vlsp

HOMELESS ADVOCACY PROJECT ☐

tel 415.575.3130 fax 415.575.3132
1360 Mission Street, Suite 201 San Francisco, CA 94103
www.sfbar.org/vlsp



THE BAR ASSOCIATION OF
SAN FRANCISCO

VOLUNTEER LEGAL SERVICES PROGRAM

vlsp Changing Lives

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Buchalter Fellow
Program Coordinator, Family Law
Michael Zaugg
Staff Attorney, HAP

October 15, 2007

Mr. Howard Young
F-44590
P.O. Box 8800
Corcoran, Ca. 93212-8800


Dear Howard,

I believe you when you say you have a good case! What you would need to do in order to get a pro bono referral for your case is to write a letter to Judge Jenkins. It should be a simple letter telling him you are seeking pro bono assistance for your case, and that you would like him to refer it to pro bono counsel or organization if possible. Of course, he may refer it to us through our federal pro bono project, but there are also many other organizations that provide pro bono assistance to pro se litigants, so it's best to not only request assistance from our project, but pro bono assistance in general so that Judge Jenkins can make the appropriate referral if he decides to do so. You should address the letter like this: Honorable Judge Jenkins, U.S. District Court, 450 Golden Gate Ave., San Francisco, Ca. 94102. I hope that helps!

EJW/AmeriCorps is a national community service organization that funds attorneys like myself, who are interested in public interest work such as prisoners rights, civil rights, poverty law, etc.. They also fund college level students interested in community service such as assisting Hurricane Katrina victims, etc. I am a recent graduate of law school and am awaiting bar results so I am not yet licensed. I cannot give legal advice yet. Hopefully I will be licensed soon!

I wish you the best of luck on your case. Hopefully it will be referred to our organization. If not, I hope Judge Jenkins will find an organization that will take it.

Best wishes,


Porcia Thurston
Equal Justice Works AmeriCorps Member
Volunteer Legal Services Program

☐ VOLUNTEER LEGAL SERVICES PROGRAM

tel 415.982.1600 fax 415.477.2390
301 Battery Street, 3rd Floor San Francisco, CA 94111
www.sfbar.org/vlsp

☐ HOMELESS ADVOCACY PROJECT

tel 415.575.3130 fax 415.575.3132
1360 Mission Street, Suite 201 San Francisco, CA 94103
www.sfbar.org/vlsr

Nanci L. Clarence
Kate Dyer
Edwin K. Prather
Nicole K. Howell
Craig H. Bessenger

**CLARENCE
& DYER LLP**

Attorneys At Law
899 Ellis Street
San Francisco, CA 94109
Tel: 415.749.1800
Fax: 415.749.1694
www.clarencedyer.com

July 16, 2008

Mr. Howard Young
F-44590-3A-05-150
P.O. Box 3461
Corcoran, California 93212

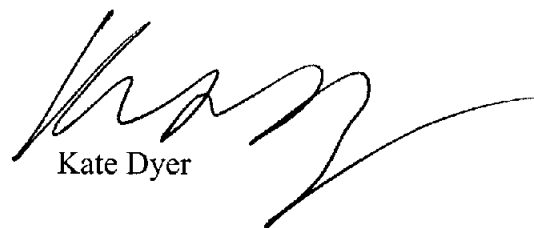
Re: Legal Representation

Dear Mr. Young:

Thank you for contacting Clarence & Dyer regarding your legal matter. We regret that we are unable to assist you or provide representation to you. We would like to remind you that there may be time restrictions for filing a claim or lawsuit that apply to your case. Since our firm will not be representing you, we urge you to consult with an attorney regarding these time limits. We are also returning the case materials you sent to our office, which you will find enclosed in this package.

Again, we appreciate your inquiry and wish you well in your future endeavors.

Very truly yours,



Kate Dyer

Enclosure
KD/sc

EXHIBIT

E

RAPID ENFORCEMENT ALLIED COMPUTER TEAM TASK FORCE

~ REDUCING THE INCIDENCE OF HIGH TECHNOLOGY CRIME THROUGH THE APPREHENSION OF THE PROFESSIONAL ORGANIZERS OF LARGE SCALE CRIMINAL ACTIVITIES. ~

MENU

CONTACT
INFORMATION
STATISTICAL
REFERENCE

PRESS RELEASES

LAW
ENFORCEMENT
RESOURCES

LINKS
HOME

REACT

A partnership of 16 local, state, and federal agencies, with the Federal Bureau of Investigations [FBI] designated as the lead agency.

MISSION

To reduce the incidence of high technology crime through the apprehension of the professional organizers of large scale criminal activities.



In 2004, REACT:

- Recovered property totaling \$65,773,658.
- Issued 149 search warrants.
- Made 72 arrests.
- Participated in 298 law enforcement assists.
- Participated in 34 undercover operations.
- Performed 319 forensic examinations.

REACT investigates the following crimes:

- Theft.
- Identity theft.
- Trademark violation.
- On-line crimes.

REACT provides the following services:

- Technical support.
- Computer forensics.
- Training programs.

Updated: March 23, 2005

SUPERIOR COURT OF CALIFORNIA
SANTA CLARA COUNTY JUDICIAL DISTRICT
PALO ALTO FACILITY

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA } ss.

AFFIDAVIT IN SUPPORT
OF SEARCH WARRANT

I, David Flohr, being sworn and truthful, state that on the basis of the information contained within this Affidavit and any attachments thereto, I have probable cause to believe and do believe that the property described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, in that it:

- ☐ was stolen or embezzled;
- ☐ was used as the means of committing a felony;
- ☐ is possessed by a person with the intent to use same as a means of committing a public offense, or in the possession of another to whom he/she may have delivered same for the purpose of concealing or preventing its discovery;
- ☒ constitutes evidence tending to show that a felony has been committed or that a particular person has committed a felony;

and that I have probable cause to believe and do believe that the described property is now located at, and will be found at, the location(s) set forth below and thus REQUEST A WARRANT TO SEARCH the premises at the following location(s):

Airline Reporting Corporation
c/o James M. Manning

[REDACTED]
[REDACTED]

416

PAPD Case Number:

CH

1
2
3 **FOR THE FOLLOWING PROPERTY / RECORDS**
4

5 Any and all airline travel record documents related to:

6 Howard Young, DOB:01/04/1963

7 Visa #4024212019392864

8 4032130129823604

9 4081610510348279
10

11 Pursuant to California Government Code Section 7475, the institution described above
12 in "location" is hereby ordered to comply with the requests for records contained in this
13 search warrant within 15 days of service of this search warrant.

14 In the event the above-described records are not located at the locations served with
15 this search warrant, pursuant to this search and seizure order and California Penal
16 Code Section 1530, the manager is hereby ordered to produce those records at the
17 location served with this search warrant within 10 days of service of this warrant.

18 If additional time is needed to comply, then THE INSTITUTION DESCRIBED is ordered
19 to follow the requirements of Government Code Section 7475 and to also timely serve
20 the District Attorney's Office with a copy of any motion requesting an extension of time
21 at least 48 hours in advance of the hearing on the motion.

22 And if you find the same or any part thereof, to hold such property in your possession
23 under California Penal Code Section 1536.
24

1
2
3 OFFICER'S EXPERTISE

4
5 I, David Flohr, hereby declare that the facts in support on issuance of this search
6 warrant are as follows:

7 I am currently employed as a Police Detective for the City of Palo Alto Police
8 Department and have been so employed for the past 13 years. I attended the Gavilan
9 College Basic Police Academy then completed the field-training program before
10 becoming a solo patrol officer.

11
12 I have received on-going annual training over the past 13 years in a wide variety of law
13 enforcement topics as required by P.O.S.T. and department policy.

14
15 I have obtained my Basic, Intermediate and Advanced P.O.S.T. certificates from the
16 State of California. I have attended the 80 hours Institute of Criminal Investigation core
17 course presented by San Jose State University. Since July 2001 I have been assigned
18 to the Investigative Services Division as a Property Crimes Investigator. In my capacity
19 as a Detective with this agency, I have worked numerous complex investigations,
20 including several cases involving suspects responsible for multiple burglaries.

21
22 STATEMENT OF PROBABLE CAUSE
23
24

1 Since 2001, I have been investigating a series of commercial burglaries that
2 appear to have been committed by the same suspect. Video surveillance and in person
3 contracts with the suspect by the employees of the victim companies have given similar
4 descriptions of the suspect. A suspect Howard Young was identified and several
5 search warrants were obtained to find additional evidence showing Young's
6 involvement. See affidavit attached as exhibit #1 and incorporated herein by this
7 reference.

8 Detective Bouja of the R.E.A.C.T. Task Force learned from VISA that Young has
9 rented cars in the San Francisco Bay area several times over the last few months using
10 Hertz and Avis rental companies. I contacted the Palo Alto office of Hertz and
11 confirmed that Young had rented several cars previously in the Bay Area and he had a
12 reservation to rent a sport utility vehicle on May 28th at the San Francisco International
13 Airport location.

14 On May 28th, 2004, Judge Hayden of the Santa Clara County Superior Court
15 issued an arrest warrant for Howard Young. Young was arrested while exiting a United
16 Airlines flight at San Francisco International Airport.

17 Based upon my experience I know that the Airline Reporting Corporation
18 (ARC) maintains records of those traveling by domestic airlines. I believe that ARC will
19 have records showing Young flying into the Bay Area during the times that the Bay Area
20 burglaries have occurred.

21 Based on this investigation, I am of the opinion Howard Young is involved in the
22 crime of Burglary. I believe California Penal Code section(s) 459/460(b) have occurred
23 and that evidence of those violations is in the possession of
24

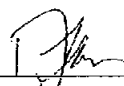
Airline Reporting Corporation (ARC) at

c/o James M. Manning
[REDACTED]
[REDACTED]

1 WHEREFORE your affiant prays that a daytime search warrant be issued with
2 respect to the above location for the seizure of said property at any time of the day and
3 that the same be held under Penal Code section 1536 and disposed of according to
4 law.

5 Items attached and incorporated by reference: ☒ YES ☐ NO

6
7 Subscribed and sworn to me
8 this 2nd day of June, 2004.

9
10 
11 David Flier, #F0038
12 Palo Alto Police Department

13
14 
15 JUDGE OF THE SUPERIOR COURT

16 CHARLES W. HAYDEN
17
18
19
20
21
22
23
24

SUPERIOR COURT OF CALIFORNIA
SANTA CLARA COUNTY JUDICIAL DISTRICT
PALO ALTO FACILITY

SEARCH WARRANT

THE PEOPLE OF THE STATE OF CALIFORNIA

To any Sheriff, Constable, Marshal, Police Officer, or Peace Officer in the County of
Santa Clara:

Proof by affidavit, having been made before me this day by David Flohr, that the
property described below is lawfully seizable pursuant to Penal Code Section 1524, as
indicated below, in that it:

- ☐ was stolen or embezzled;
- ☐ was used as the means of committing a felony;
- ☐ is possessed by a person with the intent to use same as a means of
committing a public offense, or in the possession of another to whom
he/she may have delivered same for the purpose of concealing or
preventing its discovery;
- ☒ constitutes evidence tending to show that a felony has been committed or
that a particular person has committed a felony; and that there is probable
cause to believe that the described property is now located at, and will be
found at, the location(s) set forth below:

YOU ARE THEREFORE COMMANDED, in the daytime, to make immediate search of
the premises located at:

421

PAPD Case Number
01-272-0058

ca

1 ARC

2 James M. Manning

3 [REDACTED]
4 [REDACTED]

5 FOR THE FOLLOWING PROPERTY / RECORDS

6
7 Any and all airline travel record documents related to:

8 Howard Young, DOB:01/04/1963

9 Visa #4024212019392864

10 4032130129823604

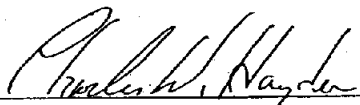
11 4081610510348279

12 Pursuant to California Government Code Section 7475, the institution described above
13 in "location" is hereby ordered to comply with the request(s) for records contained in this
14 search warrant within 15 days of service of this search warrant.
15

16
17 AND, if you find the same or any part thereof, to hold such property in your possession
18 under California Penal Code Section 1536.

19 Subscribed and sworn to me

20 this 2nd day of June, 2004.

21 
22 JUDGE OF THE SUPERIOR COURT
23 COUNTY OF SANTA CLARA
24

CHARLES W. HAYDEN
2

422

CH

IN THE SUPERIOR COURT
FOR THE SANTA CLARA COUNTY JUDICIAL DISTRICT,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

STATE OF CALIFORNIA)
) ss. RETURN AND INVENTORY ON
COUNTY OF SANTA CLARA) SEARCH WARRANT

CH I, Detective David Flohr, make this return to the within seizure order,
on this 17 day of ^{AUG}~~June~~, 2004. I received said order, and under its authority I
seized the below listed property on June 2nd, 2004.

ADDRESS WHERE SEIZED: The documents were received from the Airline
Reporting Corporation from a search warrant served at 4100 Fairfax Drive,
Arlington, Virginia 22203. The search warrant was dated the 2nd day of June,
2004, and was executed by Judge Charles Hayden, Judge of the Superior
Court, County of Santa Clara, State of California.

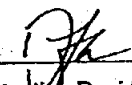
INVENTORY: See Exhibit "A", Palo Alto Police Property Sheet attached
hereto and incorporated by reference.

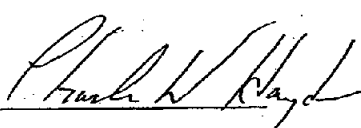
I, Detective David Flohr, by whom this warrant was executed, do swear
that the inventory set forth in Exhibit "A" contains a true and detailed account
of all the property received by me pursuant to the warrant and order. The
property seized will be held under California Penal Code Section 1536 and
disposed of according to law, or the property will be held and processed in
accordance with the forfeiture procedures set forth in California Penal Code
186.3 et seq. or Title 21, United States Code Section 881, et seq.

Subscribed and sworn before me

this 17 day of ~~June~~, 2004

AUG. CH


Detective David Flohr, PAPD


Judge of the Superior Court, County of Santa Clara,
State of California

CHARLES W. HAYDEN

SUPERIOR COURT OF CALIFORNIA
SANTA CLARA COUNTY JUDICIAL DISTRICT
PALO ALTO FACILITY

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA } ss.

AFFIDAVIT IN SUPPORT
OF SEARCH WARRANT

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- ☒ constitutes evidence tending to show that a felony has been committed or that a particular person has committed a felony;

and that I have probable cause to believe and do believe that the described property is now located at, and will be found at, the location(s) set forth below and thus REQUEST A WARRANT TO SEARCH the premises at the following location(s):

Cendant Car Rental Group (Avis)

[REDACTED]

S [REDACTED]

424

PAPD Case Number:

1 FOR THE FOLLOWING PROPERTY / RECORDS

2
3 Any and all documents, contracts and rental agreements associated with:

4 Howard Young, DOB:01/04/1963

5 Visa #4024212019392864

6 4032130129823604

7 4081610510348279

8 Wizard #L6H65P

9 Pursuant to California Government Code Section 7475, the institution described above
10 in "location" is hereby ordered to comply with the requests for records contained in this
11 search warrant within 15 days of service of this search warrant.

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13 this search warrant, pursuant to this search and seizure order and California Penal
14 Code Section 1530, the manager is hereby ordered to produce those records at the
15 location served with this search warrant within 10 days of service of this warrant.

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18 the District Attorney's Office with a copy of any motion requesting an extension of time
19 at least 48 hours in advance of the hearing on the motion.

20 And if you find the same or any part thereof, to hold such property in your possession
21 under California Penal Code Section 1536.
22
23
24

1 OFFICER'S EXPERTISE

2
3 I, David Flohr, hereby declare that the facts in support on issuance of this search
4 warrant are as follows:

5 I am currently employed as a Police Detective for the City of Palo Alto Police
6 Department and have been so employed for the past 13 years. I attended the Gavilan
7 College Basic Police Academy then completed the field-training program before
8 becoming a solo patrol officer.

9
10 I have received on-going annual training over the past 13 years in a wide variety of law
11 enforcement topics as required by P.O.S.T. and department policy.

12
13 I have obtained my Basic, Intermediate and Advanced P.O.S.T. certificates from the
14 State of California. I have attended the 80 hours Institute of Criminal Investigation core
15 course presented by San Jose State University. Since July 2001 I have been assigned
16 to the Investigative Services Division as a Property Crimes Investigator. In my capacity
17 as a Detective with this agency, I have worked numerous complex investigations,
18 including several cases involving suspects responsible for multiple burglaries.

19
20
21 STATEMENT OF PROBABLE CAUSE

22 Since 2001, I have been investigating a series of commercial burglaries that
23 appear to have been committed by the same suspect. Video surveillance and in person
24 contracts with the suspect by the employees of the victim companies have given similar

1 descriptions of the suspect. A suspect Howard Young was identified and several
2 search warrants were obtained to find additional evidence showing Young's
3 involvement. See affidavit attached as exhibit #1 and incorporated herein by this
4 reference.

5 Detective Bouja of the R.E.A.C.T. Task Force learned from VISA that Young has
6 rented cars in the San Francisco Bay area several times over the last few months using
7 Hertz and Avis rental companies. I contacted the Palo Alto office of Hertz and
8 confirmed that Young had rented several cars previously in the Bay Area and he had a
9 reservation to rent a sport utility vehicle on May 28th at the San Francisco International
10 Airport location.

11 On May 28th, 2004, Judge Hayden of the Santa Clara County Superior Court
12 issued an arrest warrant for Howard Young. Young was arrested while exiting a United
13 Airlines flight at San Francisco International Airport.

14 Based upon my experience I know that car rental companies maintain records
15 showing who rents their vehicles. I believe that Cendant Car Rental Group will have
16 records showing Young renting cars during the times that the Bay Area burglaries have
17 occurred.

18 Based on this investigation, I am of the opinion Howard Young is involved in the
19 crime of Burglary. I believe California Penal Code section(s) 459/460(b) have occurred
20 and that evidence of those violations is in the possession of

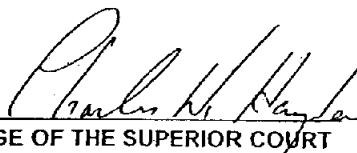
21 Cendant Car Rental Group (Avis) at
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 WHEREFORE your affiant prays that a daytime search warrant be issued with
26 respect to the above location for the seizure of said property at any time of the day and

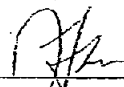
1 that the same be held under Penal Code section 1536 and disposed of according to
2 law.

3
4 Items attached and incorporated by reference: ☒ YES ☐ NO

5
6 Subscribed and sworn to me
7 this 2nd day of June, 2004.

8
9 
10 JUDGE OF THE SUPERIOR COURT

11 CHARLES W. HAYDEN

12
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22
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24

David Flohn #F0038
Palo Alto Police Department

SUPERIOR COURT OF CALIFORNIA
SANTA CLARA COUNTY JUDICIAL DISTRICT
PALO ALTO FACILITY

SEARCH WARRANT

THE PEOPLE OF THE STATE OF CALIFORNIA

To any Sheriff, Constable, Marshal, Police Officer, or Peace Officer in the County of
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Proof by affidavit, having been made before me this day by David Flohr, that the
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found at, the location(s) set forth below:

YOU ARE THEREFORE COMMANDED, in the daytime, to make immediate search of
the premises located at:

PAPD Case Number
01-272-0058

429

1 Cendant Car Rental Group (Avis)

2 513 Eccles Avenue
3 South San Francisco, California 94080

4 FOR THE FOLLOWING PROPERTY / RECORDS

5
6 Any and all documents, contracts and rental agreements associated with:

7 Howard Young, DOB:01/04/1963

8 Visa #4024212019392864

9 4032130129823604

4081610510348279

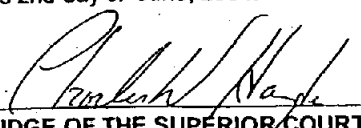
10 Wizard #L6H65P

11
12 Pursuant to California Government Code Section 7475, the institution described above
13 in "location" is hereby ordered to comply with the request(s) for records contained in this
14 search warrant within 15 days of service of this search warrant.
15

16 AND, if you find the same or any part thereof, to hold such property in your possession
17 under California Penal Code Section 1536.
18

19 Subscribed and sworn to me

20 this 2nd day of June, 2004.

21 
22 JUDGE OF THE SUPERIOR COURT
23 COUNTY OF SANTA CLARA

24 CHARLES W. HAYDEN

SUPERIOR COURT OF CALIFORNIA
SANTA CLARA COUNTY JUDICIAL DISTRICT
PALO ALTO FACILITY

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA } ss.

AFFIDAVIT IN SUPPORT
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and that I have probable cause to believe and do believe that the described property is now located at, and will be found at, the location(s) set forth below and thus REQUEST A WARRANT TO SEARCH the premises at the following location(s):

Hertz

c/o CT Corporation

444

PAPD Case Number: e

1
2
3 **FOR THE FOLLOWING PROPERTY / RECORDS**
4

5 Any and all documents, contracts and rental agreements associated with:

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7 Visa #4024212019392864

8 4032130129823604

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21 at least 48 hours in advance of the hearing on the motion.

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23 under California Penal Code Section 1536.
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1
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3 OFFICER'S EXPERTISE

4 I, David Flohr, hereby declare that the facts in support on issuance of this search
5 warrant are as follows:

6
7 I am currently employed as a Police Detective for the City of Palo Alto Police
8 Department and have been so employed for the past 13 years. I attended the Gavilan
9 College Basic Police Academy then completed the field-training program before
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11
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13 enforcement topics as required by P.O.S.T. and department policy.

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18 to the Investigative Services Division as a Property Crimes Investigator. In my capacity
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22 STATEMENT OF PROBABLE CAUSE
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2 appear to have been committed by the same suspect. Video surveillance and in person
3 contracts with the suspect by the employees of the victim companies have given similar
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5 search warrants were obtained to find additional evidence showing Young's
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11 confirmed that Young had rented several cars previously in the Bay Area and he had a
12 reservation to rent a sport utility vehicle on May 28th at the San Francisco International
13 Airport location.

14 On May 28th, 2004, Judge Hayden of the Santa Clara County Superior Court
15 issued an arrest warrant for Howard Young. Young was arrested while exiting a United
16 Airlines flight at San Francisco International Airport.

17 Based upon my experience I know that car rental companies maintain records
18 showing who rents their vehicles. I believe that Cendant Car Rental Group will have
19 records showing Young renting cars during the times that the Bay Area burglaries have
20 occurred.

21 Based on this investigation, I am of the opinion Howard Young is involved in the
22 crime of Burglary. I believe California Penal Code section(s) 459/460(b) have occurred
23 and that evidence of those violations is in the possession of
24

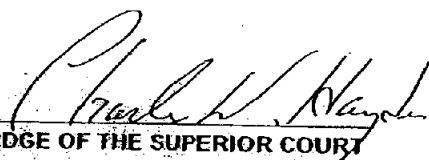
Hertz at


c/o CT Corporation
[REDACTED]
[REDACTED]

1
2 WHEREFORE your affiant prays that a daytime search warrant be issued with
3 respect to the above location for the seizure of said property at any time of the day and
4 that the same be held under Penal Code section 1536 and disposed of according to
5 law.

6 Items attached and incorporated by reference: ☒ YES ☐ NO

7
8 Subscribed and sworn to me
9 this 2nd day of June, 2004.

10
11 
12 JUDGE OF THE SUPERIOR COURT


13 David Flor, #F0038
14 Palo Alto Police Department

15
16
17
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23
24
CHARLES W. HAYDEN

SUPERIOR COURT OF CALIFORNIA
SANTA CLARA COUNTY JUDICIAL DISTRICT
PALO ALTO FACILITY

SEARCH WARRANT

THE PEOPLE OF THE STATE OF CALIFORNIA

To any Sheriff, Constable, Marshal, Police Officer, or Peace Officer in the County of
Santa Clara:

Proof by affidavit, having been made before me this day by David Flohr, that the
property described below is lawfully seizable pursuant to Penal Code Section 1524, as
indicated below, in that it:

- ☐ was stolen or embezzled;
- ☐ was used as the means of committing a felony;
- ☐ is possessed by a person with the intent to use same as a means of
committing a public offense, or in the possession of another to whom
he/she may have delivered same for the purpose of concealing or
preventing its discovery.
- ☒ constitutes evidence tending to show that a felony has been committed or
that a particular person has committed a felony; and that there is probable
cause to believe that the described property is now located at, and will be
found at, the location(s) set forth below.

YOU ARE THEREFORE COMMANDED, in the daytime, to make immediate search of
the premises located at:

449

PAPD Case Number
01-272-6058

C

1 Hertz

2 c/o CT Corporation

3 [REDACTED]

4 [REDACTED]

5
6 FOR THE FOLLOWING PROPERTY / RECORDS


7 Any and all documents, contracts and rental agreements associated with:

8 Howard Young, DOB:01/04/1963

9 Visa #4024212019392864

10 4032130129823604

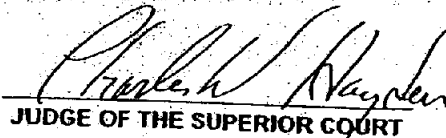
11 4081610510348279

12 
13 Pursuant to California Government Code Section 7475, the institution described above
14 in "location" is hereby ordered to comply with the request(s) for records contained in this
15 search warrant within 15 days of service of this search warrant.

16
17 AND, if you find the same or any part thereof, to hold such property in your possession
18 under California Penal Code Section 1536.

19 Subscribed and sworn to me:

20 this 2nd day of June, 2004.

21 
22 JUDGE OF THE SUPERIOR COURT

23 - COUNTY OF SANTA CLARA

24 CHARLES W. HAYDEN

IN THE SUPERIOR COURT
FOR THE SANTA CLARA COUNTY JUDICIAL DISTRICT,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

STATE OF CALIFORNIA)
) ss. RETURN AND INVENTORY ON
COUNTY OF SANTA CLARA) SEARCH WARRANT

I, Detective David Flohr, make this return to the within seizure order,
on this ____ day of July, 2004. I received said order, and under its authority I
seized the below listed property on June 28th, 2004.

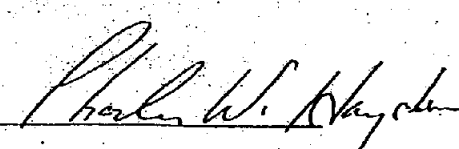
ADDRESS WHERE SEIZED: The documents were received from Hertz from
a search warrant served at CT Corporation 2001 Faber Place
Guanacama City, CA 95024. The search warrant was dated the 2nd day of
June, 2004, and was executed by Judge Charles Hayden, Judge of the
Superior Court, County of Santa Clara, State of California.

INVENTORY: See Exhibit "A", Palo Alto Police Property Sheet attached
hereto and incorporated by reference.

I, Detective David Flohr, by whom this warrant was executed, do swear
that the inventory set forth in Exhibit "A" contains a true and detailed account
of all the property received by me pursuant to the warrant and order. The
property seized will be held under California Penal Code Section 1536 and
disposed of according to law, or the property will be held and processed in
accordance with the forfeiture procedures set forth in California Penal Code
186.3 et seq. or Title 21, United States Code Section 881, et seq.

Subscribed and sworn before me
this 30th day of July, 2004


Agent David Flohr, PAPD


Judge of the Superior Court, County of Santa Clara,
State of California

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare the following:

I am over 18 years of age, and a party to the within action.

My address is: P.O. Box 8800
CORCORAN, CA. 93212-8800

On 8-4-08, I served a copy of the attached
PLAINTIFF'S Motion For An Evidentiary Hearing And
Appointment of Counsel

On the below-named persons by placing a true copy thereof
in envelope addressed as follows, with first class postage
thereon fully prepaid, and delivering the sealed envelopes,
according to the procedures prescribed for sending legal
mail, to the proper institutional official for deposit
in the United States mail at Corcoran, in the County of
Kings, California.

Edmund G. Brown
CALIFORNIA ATTORNEY
GENERAL'S OFFICE
455 Golden Gate Ave. suite 11000
SAN FRANCISCO, CA. 94102-7004

Executed under penalty of perjury this 4th day of
August, 2008, at Corcoran, California.

LENT N. King
DECLARANT

LENT KING

95113-3095

Check, U.S. District Court

Northern District of California - San Jose Division

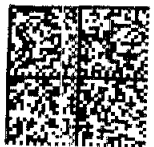
280 S First St. Room 2112

SAN JOSE, California 95113-3095

Legal Mail



CORCORAN STATE PRISON



Hasler

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US POST/



Handwritten signature or initials, possibly reading "M. S. 2008" or similar, located near the top right of the page.